

RESPONSE TO COMMENTS RECEIVED ON THE DRAFT MONTPELIER UNIFIED DEVELOPMENT REGULATIONS (17 FEB 2016)

COMMENT	RECOMMENDATION	PLANNING COMMISSION ACTION
168 Part 2. Show the rivers on the zoning map.	Put the rivers on the final draft of the official zoning map (large-scale version).	
169 Part 2. Show municipal, school and state properties on the zoning map.	No change recommended.	
170 Part 2. Densities in the districts should be lower so that the city could offer density bonuses for establish a transfer of development rights program or protection of open space.	No change recommended. The PUD and subdivision standards incorporate open space requirements. Demand for development in Montpelier is not adequate to make a TDR program viable.	
171 Chapter 210 Architectural Standards in various zoning districts are too prescriptive and will stifle creativity. They should be reconsidered and minimized.	No change recommended. Modification of the architectural standards would be allowed for projects that receive a recommendation from the Design Review Committee.	
172 Chapter 210. Density and Dimensional Standards. Concerned that increased density and relaxation of setbacks will radically transform existing neighborhoods. There will be a loss of greenspace and privacy, and increased traffic.	No change recommended. The PC conducted a detailed analysis of existing density and dimensional standards and decided to set the proposed standards so that most existing lots and buildings would be in conformance. This means that new development will be very similar to what already exists in these neighborhoods. The proposed zoning is intended to allow infill development within developed neighborhoods by reducing lot sizes and setbacks, consistent with the policies of the city plan.	
173 Chapter 210. Daycare facilities should not be permitted (make conditional where proposed to be permitted) due to traffic concerns.	No change recommended. Child daycare would be a permitted use in UC, RIV, WG and MUR, all of which are districts intended to allow for some degree of commercial activity.	
174 2106.B(1) The reference to Dewey Hill is unclear because no one uses that name.	No change recommended.	
175 2106.B(2) There is an overemphasis on protecting views of the statehouse.	No change recommended. This is consistent with the city plan and current zoning.	
176 2107 MUR District. Remove Northfield Street from the MUR district. Concerned about increased traffic on a narrow, steep roadway.	No change recommended.	
177 2107.B(4) Liberty Street - West neighborhood. Delete the last sentence that references providing public recreation opportunities because it is the only neighborhood that this is mentioned in.	No change recommended.	
178 2009 MDR District. The zoning of Sabin's does not match the land use element and map in the city plan. The zoning needs to follow the plan.	No change recommended. The plan recognizes that the areas shown on the land use map are not meant to be interpreted directly as zoning district boundaries. The New Neighborhood PUD implements the open space protection and development pattern goals expressed for Sabin's Pasture.	
179 2009 MDR District. 250 Main St should be re-zoned to LDR. Concerned about the potential scale of development on that site.	No change recommended.	
180 2009 MDR District. 250 Main Street should not be MDR. It needs a special zone. The adaptive re-use of the existing buildings should be allowed but not new development.	No change recommended. It is generally not an appropriate and lawful practice to create a special zoning district for an individual piece of property.	
181 Figure 2-13 MDR Use Table. Make single-family attached, triplex and quadraplex permitted rather than conditional uses.	Change triplex from conditional to permitted.	
182 2110.B(2) Re-zone Crestview from LDR to MDR so that it would be treated the same as Sabin's Pasure.	No change recommended. Any development of the Crestview property would likely be subject to the same "new neighborhood" PUD requirements as Sabin's. The only difference would be the potential overall density of the development. Given the natural constraints on the Crestview land, the LDR density would be more suitable and allow for a higher density of development than is possible under current zoning.	
183 2110.B(5) Murray Hill. The regulations should not encourage infill development in Murray Hill because there is not land available for development and there is not infrastructure to support additional development.	Revise to read "Murray Hill... These regulations should accommodate infill residential development where infrastructure is available and to the extent feasible given the availability and ownership to land in this neighborhood."	

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184 2111 Rural District. Reconsider the conditional uses allowed.	No change recommended. While many of the conditional uses could theoretically be large-scale development, they could also be small-scale adaptive re-use of agricultural buildings and land. There are natural constraints and infrastructure limitations that will also control the potential scale of development.	
185 2201.I(d) This will not be feasible in the flood zone since new buildings have to be elevated.	Revise to read "Design floor levels and story heights to be similar to those of surrounding buildings to the maximum extent feasible."	
186 3003 Riparian Buffers. This section duplicates state regulations and thus is not necessary.	No change recommended. Not all development, disturbance and clearing within stream buffers is regulated by the state.	
187 3005 Erosion Control. This section duplicates state regulations and thus is not necessary.	No change recommended. Smaller development is not subject to state erosion control regulations. Development that does need to obtain a state permit is deemed to have met these requirements, so there is no duplication.	
188 3006. Stormwater Management. This section duplicates state regulations and thus is not necessary.	No change recommended. Smaller development is not subject to state stormwater regulations. Development that does need to obtain a state permit is deemed to have met these requirements, so there is no duplication.	
189 3006 Stormwater. DPW wants clarification of the meaning of the term "first inch of rainfall" as used in this section.	Revise 3006.H(3) and 3006.I(3) to read "The applicant may submit a stormwater plan prepared by a professional engineer or licensed landscape architect demonstrating that green stormwater infrastructure are designed to manage at least 1 inch of rainfall from all impervious surfaces on the lot, consistent with the water quality treatment standard in the Vermont Stormwater Management Manual or as specified in the Vermont Green Stormwater Infrastructure Simplified Sizing Tool for Small Projects."	
190 3006.B Applicability. Concern that the exemptions create a loophole that would allow phased development to avoid having to meet stormwater requirements.	Add the following to both 3006.B(1) and (2), "The applicant must include all phases of proposed development when calculating the increased amount of impervious surface."	
191 3006.H(1)(c) Stormwater Management LID Option. Need to revise for clarity.	Revise to read "Runoff from impervious surfaces must flow over a vegetated pervious surface with a slope that does not exceed a 15% grade for a minimum distance of 25 feet before entering a waterway or flowing off-site."	
192 3006.H(2) and 3006.I(2). Not all GSI practices require a practice area that is 10% of the impervious surface (ex. rain barrels or cisterns).	Delete the phrase "the area of which must be at least 10% of the area of the impervious surface draining to it" from each paragraph.	
193 3006.H(2) and 3006.I(2). Make use of the GSI Simplified Sizing Tool mandatory. The results will be consistent with the new stormwater manual.	Revise each paragraph to read "Applicants must use the Vermont Green Stormwater Infrastructure Simplified Sizing Tool for Small Projects..."	
194 3006.I(1)(a) Stormwater Management LID Option. 15% pervious area may not be adequate to allow for infiltration.	Increase 15% to 25%, making the standard consistent with 3006.H(b).	
195 3006.I(1)(b) Stormwater Management LID Option. Need to revise for clarity.	Revise to read "Runoff from impervious surfaces must flow over a vegetated pervious surface with a slope that does not exceed a 15% grade for a minimum distance of 50 feet before entering a waterway or flowing off-site."	
196 3007 Access and Circulation. Need to add driveway construction standards or reference city or state specifications.	No change recommended. This can be addressed through the city's public works specifications and the changes recommended to Subsection B, below.	
197 3007 Access and Circulation. Add standards for private culverts.	No change recommended. This should be addressed through the city's public works specifications.	

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198 3007 Access and Circulation. Ensure that all provisions in Section 704.D of adopted zoning are retained in draft and as are clearly stated.	<p>Add a new paragraph to read “All proposed land development must provide adequate access for emergency vehicles. The Development Review Board may require the applicant to provide fire lanes, pull-offs and/or turn-arounds as necessary to accommodate emergency vehicles.”</p> <p>Add a new paragraph to read “All proposed land development must be designed with adequate access and circulation to prevent traffic congestion onto streets and traffic conflicts (including service vehicles, passenger vehicles, parking, drive-through lanes, bicyclists and pedestrians) within the site.</p>	
199 3007 Access and Circulation. Revise all uses of “state highway” to “state or Class 1 highway”	Make this change in this section and throughout the regulations.	
200 3007.B DPW recommends referencing state B-71 standards and eliminating requirements that are covered by that standard from this subsection.	Revise 3007.B to read “All lots being developed or redeveloped must provide vehicular access from the street in accordance with any city public works specifications, VTrans’ B-71 Standards for Residential and Commercial Drives and the standards below. In the case of any conflict the city’s public works specifications would take precedence over the B-71 standard or the standards of this section, and the standards of this section would take precedence over the B-71 standard.” Delete Paragraphs 5, 6, 7, 8 and 9, which are covered by the B-71 standard. Keep Figure 3-05, which allows closer driveway spacing than the B-71 standard.	
201 3007.B(1) Revise to remove inconsistency and delete Paragraph (b).	Revise 3007.B(1) to read “State or Class 1 Highways. Access to a corner lot fronting on a state or Class 1 highway must be from the secondary street unless otherwise approved by the Development Review Board upon the applicant demonstrating that access from the state or Class 1 highway will improve traffic circulation or safety.”	
202 3007.E(2). Requiring internal walkways to be at least 4 feet is excessive.	No change recommended. The minimum width that meets ADA requirements is 3 feet with wider sections at intervals. A width of less than 4 feet does not allow two people to walk side-by-side comfortably.	
203 3008.H(1) Parking Space Dimensional Standards. DPW recommended reducing the minimum width from 9 feet to 8 feet.	No change recommended. The DRB will have the authority to allow compact car spaces.	
204 3008.I(1)(a) Do not require asphalt or concrete surface for parking areas with more than 20 spaces.	No change recommended. Paragraph (b) allows the DRB to modify the surfacing requirement for lightly used parking areas.	
205 3008.I(4) Do not include requirements for snow storage.	No change recommended. With the reduction in parking requirements, it is important to be certain that there is space for snow storage as there may not be excess parking that can be used for that purpose.	
206 3009 Signs. The sign code is too prescriptive.	No change recommended.	
207 3009.D(6) Increase the maximum size of real estate signs from 4 square feet to 5 square feet.	Change 4 sf to 6 sf, which is consistent with state statute (10 VSA Section 493).	
208 3104 Accessory Dwelling Unit. Keep ADU requirements consistent with statutory minimums so that they can meet state building code exemption.	No change recommended. If applicant want to construct an ADU larger than state exemption, it will have to meet building code.	
209 3110.A Bed and breakfasts should not be limited to 5 guest rooms.	No change recommended. This is consistent with exemptions for B&Bs with 5 rooms or less in building code. Inns are allowed to have more rooms.	
210 3112 Hotel or Motel. Concerned that the standards are subjective.	No change recommended. The density and dimensional standards are within industry norms and primarily intended to prevent the conversion of hotel/motel rooms into substandard rental housing.	

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211	3201.B(2) Design and Compatibility Standards. Concerned that paragraphs b, c, d and e have the ability to be abused in the development review process. Could be used to prevent new downtown buildings.	No change recommended. Most of the provisions of this section are intended to protect “adjoining residences” not adjoining mixed-used buildings within a downtown block.	
212	3204.B Outdoor Seating. DPW recommends adding specific standards for outdoor seating and service on public sidewalks.	No change recommended. This should be addressed through public works specifications and/or city sidewalk ordinance.	
213	3404.H New Neighborhood Building Design. Do not require 50% of single-family homes to have porches.	No change recommended. The front porch is an important element in creating a traditional neighborhood development pattern.	
214	3404.I New Neighborhood PUD Parking and Garages. Reduce the garage door setback from 8 feet behind the building front line to 2 or 3 feet.	No change recommended. Ensuring that garage doors do not dominate the building facade is an important element in creating a traditional neighborhood development pattern. The setback does not apply if the doors face to the side or rear.	
215	3505 A. Streets. Add requirement for Fire Chief review and approval.	No change recommended. Subdivision applications will be reviewed by through the Technical Review Committee, which includes the Fire Chief.	
216	3505.A Streets. Add provisions related to access management similar to 704.C in adopted zoning.	Add a new paragraph to read “Applicants must implement proper access management techniques that generally follow VTrans’ Access Management Program Guidelines in the design of new streets.”	
217	3505.A(4) Access Points. Requiring two access points will be problematic on many sites due to topography.	No change recommended. This provision is also consistent with goal of encouraging interconnected access between adjoining developments and the extension of a gridded street network.	
218	3505.A(7)(a) DPW recommends increasing minimum lane width from 7 feet to 8 feet.	Increase minimum width to 8 feet.	
219	3505.A(7)(a) DPW recommends requiring 1 ft shoulders on each side.	No change recommended the 8 to 9 foot lane width with no shoulders for low-traffic roads is consistent with Vermont Local Roads recommended standards.	
220	3505.A(7)(a) Decrease minimum lane width from 11 to 10 feet.	Decrease minimum width to 10 feet, which is consistent with Vermont Local Roads recommended standards.	
221	3505.A(8)(c) DPW recommends decreasing 40 feet to 20 feet to be consistent with A-76 standard.	Reduce standard from 40 feet to 20 feet.	
222	3507 Renewable Energy and Energy Conservation. These requirements are excessive. Energy efficiency should be encouraged but not required by zoning.	No change recommended. Most of these provisions only apply to subdivisions with more than 10 lots.	
223	Part 4. DPW is concerned that not all parts of Section 407-410 of the adopted zoning are included in the draft regulations.	No change recommended. There is no substantive change in administrative procedures being proposed. The application requirements are being removed from the regulations. All the other provisions in the adopted zoning are carried forward in the draft.	
224	4204.C Zoning Permit Expiration. 2 years with a 1 year extension is too short for a major project.	No change recommended. The 2 year limit applies to zoning permits. Major projects could be phased, which would trigger paragraph (1) and would allow the build-out period for a project to be longer.	
225	4207.A Certificates of Compliance. City staff has proven to be exceedingly slow to issue certificates of compliance. Add a time limit for their issuance.	No change recommended. 4207.B sets a time limit to act of 30 days, the same as for a zoning permit application.	
226	4604.F Appeals of DRB Decisions. Reduce the appeal period from 30 days to 15 days.	No change recommended. The 30-day appeal period is required under state statute.	
227	4702.B Municipal Civil Complaint Ticket. Do not see reason to have waiver fee.	No change recommended. The ticketing structure with its fines and waiver fees is necessary to meet state requirements.	
228	Part 5. The term site plan should be defined.	Add to Subsection 5301.S “SITE PLAN means a map and any supporting graphics or documentation drawn to scale that depicts proposed land development including, but not limited to the location and relationship of the structures, streets, driveways, parking areas, sidewalks, paths, walkways, utilities, open space, landscaping, grading, waterways, outdoor lighting, outdoor use areas, signage and other site or development features.”	

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